

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**JILL DILLARD, JESSA SEAWALD,  
JINGER VUOLO, and JOY DUGGAR**

**PLAINTIFFS**

**VS.**

**NO. 17-CV-05089-TLB**

**CITY OF SPRINGDALE, ARKANSAS;  
WASHINGTON COUNTY, ARKANSAS;  
KATHY O'KELLEY, in her individual  
and official capacities;  
RICK HOYT, in his individual and official capacities;  
STEVE ZEGA, in his official capacity;  
BAUER PUBLISHING COMPANY, L.P.;  
BAUER MAGAZINE L.P.;  
BAUER MEDIA GROUP, L.P.;  
BAUER, INC.;  
HENRICH BAUER NORTH AMERICA, INC.;  
BAUER MEDIA GROUP USA, LLC; and  
DOES 1-10, inclusive**

**DEFENDANTS**

**MOTION FOR LEAVE TO FILE OVER LENGTH REPLY TO  
PLAINTIFF'S RESPONSE TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

Come now the Separate County Defendants, and for their motion for leave to file an overlength Reply, do state:

1. The Court's Amended Case Management Order in this case provides that reply briefs require leave of Court and should not exceed seven (7) pages in length.
2. The Separate Washington County Defendants respectfully seek leave to respond to some of the Plaintiffs' summary arguments. The County Defendants further seek to file a Reply in excess of seven (7) pages (see reply, attached as exhibit, which is 9 pages in length).
3. The County Defendants Reply is slightly overlength due to the need to respond to Plaintiffs' improperly imbedded sanctions motion, which was made part of their summary judgment response brief. In addition to being based on false statements about the undersigned counsel's remarks at an April 29<sup>th</sup> hearing, the Plaintiffs' imbedded sanctions motion violates Rule 11(c)(3), the provision that governs motions

for sanctions. That provision provides, in pertinent part, that “any motion for sanctions must be made separately from any other motion” and “must not be filed or presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets.” Fed. R. Civ. Proc. 11(c)(2). Despite the Plaintiffs’ failure to comply with Rule 11, the undersigned counsel was compelled to respond in the County Defendants’ summary judgment Reply, which added approximately two pages to a brief of otherwise compliant length.

WHEREFORE, the Separate Defendants respectfully request that the Court grant them leave to file the over length Reply attached as an exhibit to this motion.

Respectfully submitted,  
Rick Hoyt & Washington County,  
*Separate Washington County Defendants*

By: /s/Jason E. Owens  
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